

Department of Permits and Development Management
111 West Chesapeake Avenue
Towson, Maryland 21204

In the Matter of

Darryl Furman

Respondent

Civil Citation No. 69867

7932 Gough Street

FINDINGS OF FACT AND CONCLUSIONS OF LAW
FINAL ORDER OF THE CODE ENFORCEMENT HEARING OFFICER

This matter came before the Baltimore County Code Enforcement Hearing Officer on November 10, 2009, for a Hearing on a citation for violations of the Baltimore County Code (BCC) section 13-7-309, 310, failure to store waste in tightly-covered cans of approved construction; section 13-7-305, 306, 307; 35-5-302 (a)(3), 208 (a)(c), failure to maintain premises in a rat-free condition and to eliminate all rat harborages on residential property zoned DR 10.5 known as 7932 Gough Street, 21224.

On October 21, 2009, pursuant to § 3-6-205, Baltimore County Code, Inspector Robert Moorefield issued a Code Enforcement citation. The citation was sent to the Respondent by 1st class mail to the last known address listed in the Maryland State Tax Assessment files.

The citation proposed a civil penalty of \$1,000.00 (one thousand dollars).

The Respondent failed to request a Code Enforcement Hearing and/or failed to appear after requesting a Hearing. Baltimore County Code, § 3-6-205(d) provides that in case of failure to request a Code Enforcement Hearing or if the violator (Respondent) fails to appear after requesting a Hearing then the citation and the civil penalty, shall be the Final Order of the Code Official not subject to appeal.

After proper consideration of all the evidence presented, the Hearing Officer finds:

A. Photographs in the file show large rat holes along the edge of the fence on Respondent's property. The property owner has not responded to the County's notices and there is no evidence that Respondent has taken appropriate action, as required by County law, to exterminate rats or to close the rat burrows.

B. Respondent must treat the infestation until it is abated. County Code Section 13-7-305. Respondent must remove or abate all rat harborage. County Code Section 13-7-306. Periodic inspections should continue until the rat infestation is fully abated, holes and burrows are closed, and all rat harborage is removed.

C. Under County law, Respondent has 5 days to comply with a County notice for rat eradication and has 15 days to comply with a notice for elimination of rat harborage or for rat-proofing. This Citation was issued on October 21, 2009, with no prior Correction Notice. This Citation will therefore not be enforced for these code violations. However, having received written notice from the County, Respondent is now subject to Citation with possible civil penalty if the violations have not been corrected.

D. The Citation also charges Respondent with failure to store waste in cans with tight lids. County Code Section 13-7-309, 310. Under adopted criteria, the Department can bring immediate citation for this violation. Photographs in the file taken October 19, 2009 show open garbage cans, with bagged garbage visible. This violates prohibitions against the accumulation of junk, trash and debris on residential property, and prohibitions against creation of possible harborage for rats. Photographs taken November 5, 2009 show cans without lids, but do not show garbage inside the cans; it is not possible to determine whether the violation was corrected. Therefore the Citation will not be enforced.

IT IS ORDERED by the Code Enforcement Hearing Officer that the Citation is DISMISSED.

ORDERED this 23rd day of November 2009.

Signed: ORIGINAL SIGNED
Margaret Z. Ferguson
Baltimore County Hearing Officer

MZF/jaf